

December 16, 2016

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Environmental Protection Division

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DIRECTOR'S OFFICE

David Brownlee

Georgia Environmental Protection Division

2 Martin Luther King, Jr. Dr.

Atlanta, GA 30334

Subject: HSI 10899 Letter of Transmittal of 2nd Semi-annual Progress Report and Draft Legal Documents

Dear Mr. Brownlee:

Please accept this hand delivery of the 2nd Semi-annual Progress Report for the Toyoko Inn Atlanta, LLC, property, Hazardous Site Index (HSI) site number 10899.

Sincerely,

Lindsay N Wallace, MS
Project Manager
NewFields

Enclosure

cc: Bruce White, Barnes & Thornburg, LLP
Tom Brodell, EPD

2nd Semi-annual Progress Report

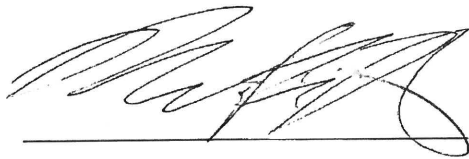
Toyoko Inn Atlanta, LLC
90-94 Forsyth Street and 85 Luckie Street
Atlanta, Georgia 30303
HSI #10899

Prepared for Toyoko Inn Atlanta, LLC

December 16, 2016

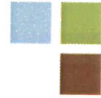


I certify that I am a qualified environmental scientist who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and have sufficient training and experience in environmental engineering, hydrology and related fields, as demonstrated by state registration and completion of accredited university courses, that enable me to make sound professional judgments regarding soil contamination and contaminant fate and transport. I further certify that this report was prepared by myself or by persons working under my direction.

A handwritten signature in black ink, appearing to read 'Michael R. Wild', written over a horizontal line.

Michael R. Wild, P.E.
NewFields, LLC
Senior Engineer/Partner

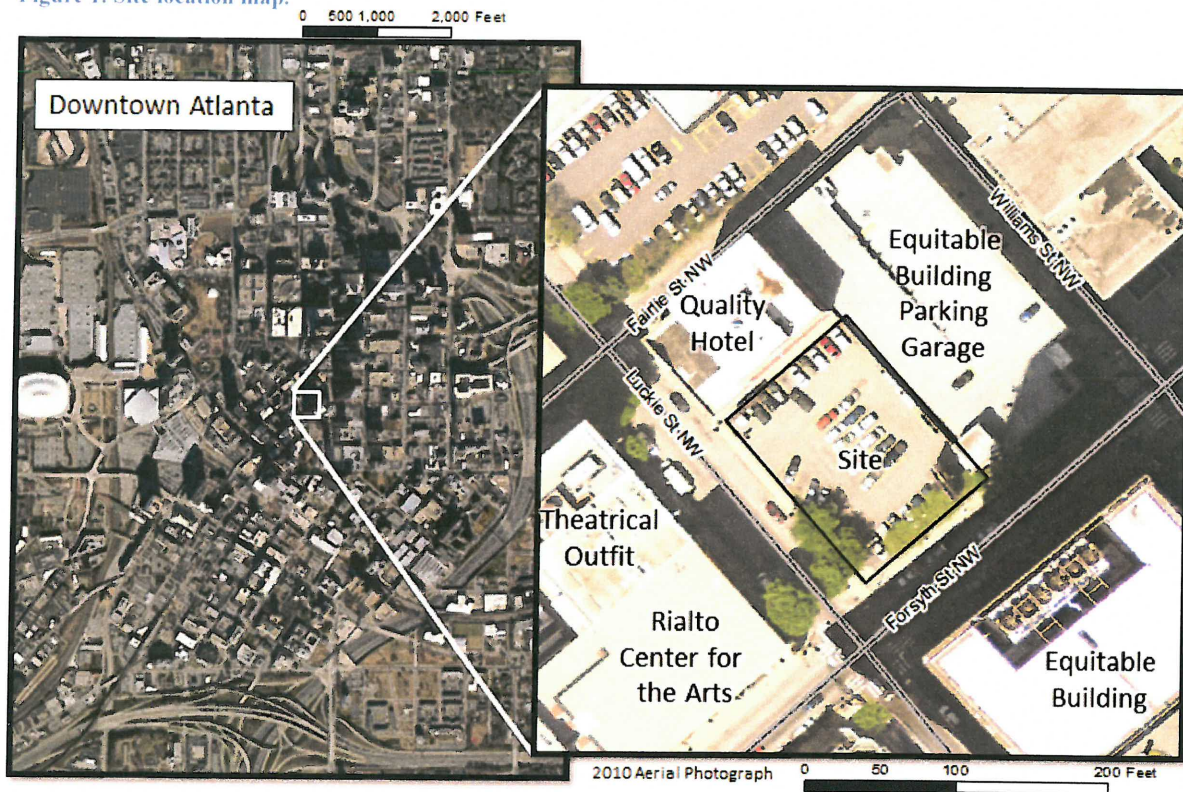




1 Executive Summary

This progress report pertains to the property owned by Toyoko Inn Atlanta, LLC ("Toyoko"), at 90 - 94 Forsyth Street and 85 Luckie Street in Atlanta, Fulton County, Georgia ("the Site"). The Site location is shown on Figure 1. The Site is listed on the Hazardous Site Inventory (HSI) as "90 - 94 Forsyth Street and 85 Luckie Street" and assigned HSI Number 10899. Toyoko submitted a Voluntary Remediation Program (VRP) Application in May 2015. In a letter dated December 16, 2015, the application was approved by the EPD. This progress report summarizes what actions have been taken since the 1st Semi-annual Progress Report was submitted in June 16, 2016, and presents the expected schedule for upcoming activities.

Figure 1. Site location map.



Progress reports will be submitted on the 16th of June and December each year until the Compliance Status Report (CSR) is completed. The CSR will be completed no later than December 16, 2020. After the CSR has been approved by the Georgia Department of Natural Resources Environmental Protection Division (EPD), an Annual Property Evaluation Report will be completed and submitted to EPD by no later than June 16th each year. The Annual Property Evaluation Reports will include photographs of the Site, document maintenance and inspection activities, certify non-residential use, and affirm whether or not the activity and use limitations in the covenant are being abided by.



2 Site Description

The Site historically housed a theater building that later operated as a parking garage until its demolition in 1978. The Site is currently occupied via lease by AAA Parking, and consists of an asphalt-paved parking lot with 40 parking spaces, an attendant booth, and two billboard signs. The Site is a rectangular parking lot, 100 feet by 130 feet (approximately 0.3 acres), bounded to the northwest by the Quality Hotel, to the northeast by the Equitable Building Parking Garage, to the southeast by Luckie St NW, and to the southwest by Forsyth St NW (see Figure 1).

Phase I and II environmental site assessments (ESAs) were performed on the Site to determine if soil or groundwater impacts had occurred due to former dry cleaning operations. No chemicals associated with dry cleaning were detected during the Phase II ESA. However, some polycyclic aromatic hydrocarbons (PAHs) were detected above Georgia soil notification standards at depths of eight to twelve feet below ground surface (ft bgs). The regulated chemicals that make up the class of carcinogenic PAHs (cPAHs) are listed in Table 1. Benzo(a)pyrene is the only cPAH detected on the Site above the Type 4 site-specific risk reduction standard (RRS).

Table 1. Type 3 industrial and Type 4 site-specific RRS and Site maximum concentrations in soil.

Analyte	Type 3 RRS ppm	Type 4 RRS ppm	Subject Property Maximum ppm
2,6-Dinitrotoluene	0.76	4.68	0.88
Benzo(a)anthracene	5.00	43.00	30.40
Benzo(a)pyrene	1.64	4.30	24.50
Benzo(b)fluoranthene	5.00	43.00	33.60
Benzo(k)fluoranthene	5.00	426.00	11.80
Carbon disulfide	400	1850.00	0.02
Chrysene	5.00	4140.00	26.60
Indeno(1,2,3-cd)pyrene	5.00	43.00	14.80

Note: Benzo(a)pyrene maximum concentration is shaded because it exceeds the Type 4 RRS.

The contaminants of concern (COCs) were detected within a layer of rubble associated with the former Forsyth Theatre Building. The suspected sources of the PAHs detected in the building debris are black mortar, boilers, and asphalt. The contaminants are present at a depth which precludes a potential surface soil risk. The COCs do not pose a vapor intrusion risk because they are not volatile compounds. The only potential exposure pathway to COCs is direct contact with regulated substances in deep soil. The only known utilities present on the Site are 3-inch and 6-inch water lines which are less than 8 ft bgs, and therefore no exposure pathway exists for utility workers. Groundwater was not encountered beneath the Site, however, due to the theoretical possibility of soil leachate to groundwater, the asphalt cap on the parking lot serves as a cap to prevent surface water infiltration into the soil beneath the Site.



3 Corrective Actions

It is Toyoko's intent to remove the Site from the HSI through implementation of a voluntary remediation plan that is protective of human health and the environment. In the VRP Application, based on the delineation of constituents in soil to Type 3 and 4 risk reduction standards (RRSs) and the absence of complete exposure pathways to contaminants in soil, Toyoko proposed the following voluntary remedial actions:

- Asphalt Cap Repair: Repair, maintenance, and annual inspection of the asphalt cap which precludes human exposure to the soil or rain infiltration into the soil. Proper surface water drainage from the cap will also be maintained. Toyoko proposed no further action related to soils on the Site until such time the Site is developed and/or excavation activities to the depth of impacted soils (i.e., greater than 8 ft bgs) occur related to Site usage.
- Implementation of Environmental Covenant: Implementation of an environmental covenant that conforms with O.C.G.A. §44-161-1, *et seq.*, the Georgia Uniform Environmental Covenants Act, with a corresponding deed notice that restricts future uses of the Site for the purpose of certifying compliance with site-specific Type 3 and 4 RRS.

4 Progress and Schedule

4.1 Asphalt Cap Repair

In a letter dated June 13, 2016, Toyoko requested that the tenant, AAA Parking, repair and resurface the Site in compliance with AAA Parking's obligations under their lease agreement. AAA Parking committed to resurface the lot to address the potholes and alligator cracking, and ensure low spots were addressed so as to prevent standing water. AAA performed the repair work in September 2016. Representatives of Toyoko visited the Site on September 28, 2016, the day after a 0.26-inch rain event, to assess the quality of the work performed. Although most of the pot-holes had been filled, alligator cracking was observed, along with standing water in two low spots. Toyoko deems this work to be insufficient, and on November 30, 2016, made a demand that AAA Parking correct the work using an approved contractor under the supervision of Toyoko's representative.

Once the asphalt repair work is completed, permanent markers denoting a Type 5 restriction will be installed in the asphalt on the southeast and southwest edges of the Site (i.e., adjacent to Luckie and Forsyth Streets). Also, a formal operation and maintenance program for the asphalt cap will be submitted to the EPD upon completion of the repair work, to ensure the longevity of an intact asphalt cap. The next progress report will be submitted on June 16, 2017.

Subsequent annual inspections for standing water, cracks, or other pavement breaches will be conducted at the beginning of spring each year (late March/early April) so that any deterioration caused by the winter weather will be identified in a timely manner. Crack sealing will be performed on narrow cracks greater than six millimeters in width. Crack filling will performed



on cracks greater than 25 millimeters in width. Any necessary repairs will be made within two months of the initial and future Site inspections.

4.2 Implementation of Environmental Covenant

The environmental covenant has undergone several revisions upon the request of EPD. An original, signed and notarized final version of the covenant, which should address all concerns brought forth by the EPD, will be submitted to EPD for countersignature the week of December 19, 2016. Within thirty (30) days of the receipt of the fully executed covenant, it will be recorded in Fulton County Superior Court. A file-stamped copy of the record will be submitted to EPD within thirty (30) days of recording.

5 Summary

Delays associated with insufficient repair work performed by the parking lot tenant have required modifications to the schedule set forth in the 1st Semi-annual Progress Report submitted on June 16, 2016. The upgraded asphalt cap should be completed before the next progress report, due in June 2017. The environmental covenant restricting future uses of the Site is being submitted to the EPD for countersignature the week of December 19, 2016.